MULTIMEDIA UNIVERSITY

STUDENT ID NO

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FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

BIR3084 – INDUSTRIAL RELATIONS

(All sections/Groups)

16TH FEBRUARY 2023
2:30 p.m – 4:30 p.m
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 3 pages with 2 sections.
2. Attempt **ALL** questions in Section A and Section B. The distribution of the marks for each question is given.
3. Please write all your answers for Section A and Section B in the Answer Booklet provided.

SECTION A: Case study (40 Marks)

200 HSBC employees picket over alleged injustice

KUALA LUMPUR: About 200 members of the National Union of Banking Employees (Nube) gathered outside the Hongkong and Shanghai Banking Corporation Ltd (HSBC) headquarters in Leboh Ampang, here, to protest against alleged injustice toward its employees. Carrying placards and causing traffic congestion, they finally disbursed at 7pm.

HSBC employees, mostly from the customer service banking department, claimed that the bank had failed to honour its agreement and had opted to 'shortchange' and intimidate employees, so that they would resign without compensation.

Nube secretary-general J. Solomon said the employees deserved what they were promised and it was an injustice to deny or cut the perks they were entitled to under a collective agreement signed between the bank and the union. He said, although it was a longstanding problem, the situation had worsened with the appointment of a new chief executive officer in April. Since then, he said, there had been a further tightening on employee benefits.

"We want to solve this in an amicable manner with the bank management, but they refuse to meet us.

"Instead, what they (management and ceo office) do is send human resources officers to met us.

"It's a waste of time because the HR has no mandate to make any decision and the matter still continues. It seems as if they are deliberately avoiding the union."

He said union members were disappointed that an international bank like HSBC was treating its employees so shabbily.

"We are not asking for something that is not in the agreement. We are just asking them to honour the collective agreement. We have proposed for dialogues, but even that has been shot down."

It is learned that the old collective agreement had lapsed for more than a year, but HSBC has yet to meet union officials to discuss its renewal.

Solomon claimed that since 2015 about 500 customer service bankers had been indirectly threatened to opt for the voluntary separation scheme (VSS). He said VSS was offered twice within the last three years to lower-ranking employees.

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"The union also found that the company, under the name of restructuring exercise, has outsourced employees' duties to an outside firm without any consultation with the union," he said adding that the re-delegation of duties of that sort was against the agreement that they had agreed on.

"The grouses have been channelled or forwarded to the National Banking Association and the Finance Ministry but the reply we received from the minister's office after a dozen of emails, phone calls and walk-ins was a letter that stated 'all the best in securing an appointment with the minister'.

"This surely added to our frustration as we also got wind that the minister had met the HSBC CEO on other matters."

Source: https://www.nst.com.my/news/nation/2018/09/413651/200-hsbc-employees-picket-over-alleged-injustice

QUESTIONS

1. Based on the case, why do HSBC employees go on picketing? (10 marks)

2. Define 'picketing'. Explain under what circumstances Section 40 of the Industrial Relations Act 1967 prohibit picketing. (15 marks)

3. Discuss **THREE (3)** methods of dispute settlements that HSBC management can use as approved by the Industrial Relations Act 1967. (15 marks)

(Total: 40 marks)

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SECTION B: Structured Questions (60 Marks)

QUESTION 1

(a) Define "collective bargaining" under Section 2 of the Industrial Relations Act 1967. (5 marks)

(b) Claim for recognition by the union should be responded to by the employer within 21 days of the application in a prescribed form. Discuss **FIVE (5)** responses an employer may make to a claim of recognition by a trade union. (10 marks)

(Total: 15 marks)

QUESTION 2

James owns a retail store at Johor Premium Outlet ("JPO"). His store just started operations on 31 December 2019. Less than 3 months later, Malaysia was placed under a Movement Control Order ("MCO") due to the pandemic. The business faced financial losses as the outlet at the JPO could not open and there were no customers. There was therefore a need for James to reduce the headcount or retrench his employees in stages. If retrenchment becomes necessary, what is the advice you can give to James? Discuss any **FIVE (5)** appropriate measures that James can adopt. (20 marks)

QUESTION 3

Helen is a newly promoted Marketing Manager. Recently, one of her staff is accused of misconduct in the company. She is keen to seek your advice on the action taken against this staff. Explain to her the **TWO (2)** types of misconduct and **NINE (9)** stages of the disciplinary process to be followed. (25 marks)

End of Paper